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RWQCB-CVR
FRESNO, CALIF.

January 18, 2007

Nathan Heeringa
25221 Rd. 68
Tulare, CA 93274

Central Valley Regional Water Quality Control Board
Fresno Branch Office
1685 "E" Street
Fresno, CA 93706-2007

Regarding: Waste Discharge Requirements General Order for Existing Milk Cow
Dairies

To the Board and Staff of CVRWQCB,

My name is Nathan Heeringa and I am writing you in response to a recent public hearing that I attended at your office in Fresno on December 13th.

I am an agronomist and have recently become self employed as an independent consultant to help out a variety of farming operations in the San Joaquin Valley, primarily with farm management issues. My education and accreditation is in the agronomy field. I have a B.S. from the University of Arizona and I started my professional career in California as an agronomist/PCA - (Pest Control Advisor) for a large cooperative agriculture producer in 1996. I have continued my education through my years of in-field experience, attending many seminars, self study, a passion for reading agronomy related books and conversations with many other professional in the industry. I am certified as a CCA (Certified Crop Advisor) and have also received my certification as a CPAg (Certified Professional Agronomist) from the American Society of Agronomy.

I have also been very involved with the communities of the San Joaquin Valley. I am a graduate of the Great Valley Center's IDEAL (Institute for the Development of Emerging Area Leaders) program that has encouraged me to engage public needs and issues. I am also a graduate of Leadership Kings, another leadership development program based in Kings County that encourage local leaders to engage and improve the welfare for all the people of Kings County. These programs have helped me to be more effective on addressing public and personal issues as I work with the youth in my church, as a deacon at my church, help with FFA programs in local communities, serve on industry boards and help many of my clients in the agricultural field.

I would like to start by thanking the staff and the board for all their work they have put into protecting the state's water. It is critical for the sustainable future for public

welfare and industry to protect such a valuable resource. Yet as much as I want to commend you for the work you have done with such a vast need, I also want to caution you and hopefully improve your efforts. There are a number of issues that I would like for you to consider as you move forward with new regulations on the Dairy Industry.

First, I am surprise on the restrictive format that these proposed regulations have been presented. Very few people have had time to read and understand the issues that these regulations are trying to address. While the meeting on December 13th was well attended, it was not held in a constructive format. A large group in a confined room is not conducive for constructive public comment. Most of the people attending have had no experience at such a meeting and were very intimidated by the format. I also believe that the two meetings, one in Sacramento and the other in Fresno, were not nearly enough. These two meetings do not do enough to inform and educate the public on these proposed regulations and they are not enough to receive constructive public comment.. There is too much at stake and other avenues should be taken to inform the industry and the public.

From the public comments that I heard at that meeting, there is clearly a lack of understanding of the issues. I think it is good that your information could be received in both English and Spanish, yet I think that the interpreter should be appointed by the governing body -- not a speaker or representative from one side of the issue. I have lived in Central America and worked beside many people who only speak Spanish, I don't think that the interpreter did an accurate job in translating.

Before a law is put into place, there should be more effort and time made to inform and educate all those at a stake. This would allow for more constructive public comment to improve the effectiveness in protecting the State's water.

Another area I would like to focus on is the lack of scientific based decision-making. As I listened to the planned regulations I had many questions: Have the different steps outlined in the regulations of the Dairy Industry been proven to protect the ground water? Or are they simply hypothesis based -- with great intent and logic, yet not proven or tested? Do the measuring bars set in place really determine the success of the regulations?

Many other areas within the United States have implemented regulations to protect the water, yet I haven't had an opportunity to compare their regulations to your proposal. Each farm entity is so different with such specific needs and infrastructure. Farms/land have inherent 'genetic' makeup and modified systems, how can you regulate CNMP's to the degree that you are proposing? Many other state regulations are not to the same degree of regulations that you are proposing. They are based off of understood principles of agronomy, and appear to be less legalistic then your proposal. I am concern that your regulations are too much and too fast. I believe that your regulations should be focused on education and incentive programs more then regulation.

I correlate CNMP's with personal diets. The agricultural industry has to have a nutrient management plan to be a producer in the San Joaquin Valley. Similarly, to survive as a human being, you have to have nutrient plan and consume to live. There is a smart way to eat, just as there is a smart way to apply nutrients to crops. While there are many laws that protect people's public health from personal consumption -- smoking,

drinking, drugs..... these public health regulations are not designed for the personal aspects of the individual. The 'Obesity Epidemic' has been recently publicized in the American media, yet is it realistic to require Americans to have CNMP's for their personal consumption? The approach that I have seen the Food and Drug Administration take is the right one. Education! Education! Education! The FDA has revised and renewed their campaign for healthy eating. A new 'food pyramid' and a reenergized '5 a day' for fresh fruit and vegetables campaign is well underway. Did the FDA require all restaurants to comply with these guidelines? NO! I think it is important that Dairy's and all users of manures and fertilizers have a understanding of the value of a comprehensive nutrient management plans, yet they should not be force to have one. Make it a requirement that they attend CNMP training, be educated and submit a yearly plan OR have a professional CNMP provider do it for the industry. I don't think that there are enough agronomists with the understanding or experience to provide CNMP's to the degree that are lined out in the proposed regulations.

I agree with the concepts behind many of the proposed regulations, yet the speed on implementing these regulations is very concerning. Most of public safety laws have improved society, yet there are examples of not implement the right concept with the right regulations. These public health regulatory issues have been scientific based and phased in over a reasonable period of time. There is a huge risk to society when regulations are too quickly imposed. Air bags have been great for the improvement of public life, yet the auto industry was told to put these life saving projects in to soon. Many small children were killed due to the combinations of child car seats and airbags. These deaths may be attributed to regulations on the auto industry, and many lives may have been saved by having pilot programs and thorough scientific testing prior to regulatory implementation.

There are many unknown risks with implementing new regulations. Will you be simply moving and concentrating a problem? Will producers simply move to another place without ever engaging an educative program? Will producers simply export all waste to other sources that are less regulated and/or more difficult to regulate? What would happen if the proposed monitoring well proven to exasperate the percolation of nitrates and other contaminants? I have other concerns with monitoring wells. What are they truly accomplishing? Are they a valid measuring stick of environmental stewardship? Do we have enough scientific proof that they are accurately measuring the peculation of pollutants from the correct source? Would the high nitrates found in one monitoring well accurately measure the one industry, while the neighboring fields are not regulated for their pollution?

This leads into another concern that was briefly touched on during the public comment period. A regional and holistic approach is needed. There are many different sources of pollutions, yet I do not understand the focus on the dairy industry. A common fear is the over application of nutrients, yet this does not commonly occur with lower valued crops. The likelihood of applying 'insurance rates' to a \$500.00 per acre valued forage crop is less likely then with a \$3,000.00 per acre vegetable crop. Yet the regulations are on the forage crops, not the areas where over applications is likely to occur. Nitrates from commercial fertilizers are just a bad as Nitrates from organic

fertilizers -- yet these regulations do not address the primary source of nitrate applications in the San Joaquin Valley.

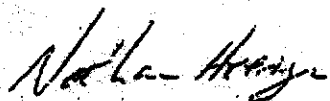
A dairyman's neighbor may apply high rates of manure from another source and apply 'insurance rates' of commercial fertilizer to his crops, yet he/she is not regulated and many have a greater influence on the ground water. At the same time a dairy operation may be blamed, regulated, fined and shut down because of something their neighbor did that they got blamed for. If there is not a proven scientific base to the regulations -- it all ends up in court bringing in the dairy, the farmer, the regulatory agency, the environmental groups and social justice groups to the least constructive format available. Very few constructive outcomes would result from the court system. More harm than good can come from poor regulations that are not based on proven scientific facts.

Many of my experiences in life have taught me it takes a two-sided approach to get things done. Some circumstance require a push, other circumstances require a pull. Try to push a chain in a straight line is as much of a challenge as trying to pull a bull into a pin. The opposite approaches can often have a stronger effect. When dealing with complex issues such as protecting the Regional Ground Water -- both pulling and pushing are needed. Reward good behavior as much as or more than punish bad behavior. Don't tax a specific industry to run a bureaucracy of regulations. Implement cost share programs to encourage positive change first!

Take some steps to inform the public and the industry on the issues. Ignorance is the number one concern I had when I left the meeting in Fresno on December 13th. Form education cooperative and coalitions with the USDA, Ag Commissioners, University of California, Cooperative Extension Programs, Industry Groups, Environmental Groups, Social Justice Groups, Consulting firms, Farm Bureau, Fertilizer suppliers, Whom ever -- yet the Regional Board must take the lead. An educational program will be much more effective in protecting the State's water supply.

Thank-you for giving me the opportunity to comment. The extended public comment period was just long enough for me to get this done during this busy time of year. These regulations affect a few of my clients and if there is anything that I can do for them or the dairy industry please contact me.

Sincerely,



Nathan Hoeringa